

Order

Michigan Supreme Court
Lansing, Michigan

September 29, 2020

Bridget M. McCormack,
Chief Justice

David F. Viviano,
Chief Justice Pro Tem

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

161497

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 161497
COA: 347575
Oakland CC: 2018-268051-FH

MARK VERNARD GRIGGS,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the April 30, 2020 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals. A trial court's factual findings at a suppression hearing are reviewed for clear error, and the application of the underlying law—the Fourth Amendment of the United States Constitution and article 1, § 11 of the Michigan Constitution—is reviewed de novo. *People v Slaughter*, 489 Mich 302, 310 (2011). The Court of Appeals erred by failing to address the Oakland Circuit Court's factual findings in deciding whether a Fourth Amendment violation occurred. Accordingly, we REMAND this case to the Court of Appeals for reconsideration of the defendant's argument under the appropriate legal standard to determine whether the defendant consented to the search of his backpack in light of the trial court's factual findings.


We do not retain jurisdiction.



s0921

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 29, 2020


Clerk